



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,767	11/10/2003	Ricardo Perotto	930024-2055	4372
<div>7590 07/29/2008</div> <div>Ronald R. Santucci Frommer Lawrence & Haug, LLP 745 Fifth Avenue New York, NY 10151</div>				
<div>EXAMINER</div> <div>BUTLER, PATRICK NEAL</div>				
<div>ART UNIT</div> <div>PAPER NUMBER</div> <div>1791</div>				
<div>MAIL DATE</div> <div>DELIVERY MODE</div> <div>07/29/2008</div> <div>PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

Applicant's arguments filed 10 July 2008 have been fully considered but they are not persuasive.

Applicant argues with respect to the 35 USC § 112 rejections. Applicant's arguments appear to be on the grounds that:

1) Applicant's Amendment to Claim 9 removes allegedly unclear and unsupported claim language.

Applicant argues with respect to the 35 USC 102(b) rejections. Applicant's arguments appear to be on the grounds that:

2 and 4) The new limitations of the claims regarding forming a half-shell of a sports boot and conforming the flat blanks to the mold are not met.

3) Foffano does not teach that the first and second blanks are flat. For instance, sole 4 has a ridge and upper 2 is clearly curved around the last 13.

Applicant argues with respect to the 35 USC 102(b) rejections. Applicant's arguments appear to be on the grounds that:

4) The references, as combined, do not teach the limitations previously described as not being taught by Foffano.

The Applicant's arguments are addressed as follows:

1, 2, and 4) The Arguments pertain to the claims as amended: the new issues and new matter. The Examiner's response to the previously rejected claims may be found in the final rejection mailed 10 March 2008.

Art Unit: 1791

3 and 4) Foffano teaches that the sole 4 (a first flat blank) and upper 2 (a second flat blank) are flat with the upper 2 necessarily flat to accommodate the last 13 (see Fig. 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Butler whose telephone number is (571) 272-8517. The examiner can normally be reached on Mon.-Thu. 7:30 a.m.-5 p.m. and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1791

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. B./

Examiner, Art Unit 1791

/Monica A Huson/

Primary Examiner, Art Unit 1791